

1 third party complaint to allow Media Factory to tender the third
2 party complaint to its insurer and allow Media Factory's insurer
3 to assign counsel to respond to the third party complaint. Media
4 Factory answered such third party complaint on November 1, 2006.

5 WHEREAS a mediation had been scheduled in the case to take
6 place on November 20, 2006 and a mediation completion date of
7 December 1, 2006 was ordered by the Court.

8 WHEREAS Media Factory needs time to investigate and evaluate
9 the claim by Acutrack and conduct some discovery prior to the
10 mediation and there is not sufficient time to do so before
11 November 20, 2006.

12 NOW THEREFORE, the Parties agree to continue the mediation
13 scheduled for November 20, 2006 to February 20, 2007, in light of
14 the foregoing issues and the upcoming holidays. The Parties also
15 request this Court to continue the mediation completion date for
16 90 days.

17 IT IS SO AGREED.

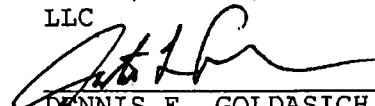
18 DATE: November 17, 2006

LINCOLN, GUSTAFSON & CERCOS

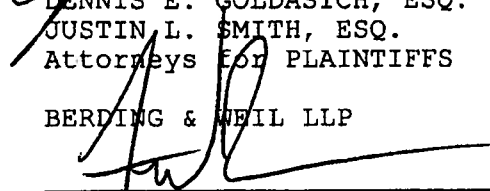

JILL S. DICKERSON, ESQ.
Attorneys for MEDIA FACTORY, INC.

21 DATE: November 17, 2006

CROSS, POOLE, GOLDASICH, & FISCHER,
LLC


DENNIS E. GOLDASICH, ESQ.
JUSTIN L. SMITH, ESQ.
Attorneys for PLAINTIFFS

25 DATE: November 17, 2006


BERDING & NEIL LLP

CLIFFORD R. HORNER, ESQ.
FREDRICK A. HAGEN, ESQ.
Attorneys for ACUTRACK

DECLARATION OF JILL S. DICKERSON

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2 1. I am an attorney at law licensed to practice before
3 all courts of the State of California and the U.S. District
4 Courts for each District of California, and I am an associate
5 with Lincoln, Gustafson & Cercos, attorneys of record for
6 Defendant MEDIA FACTORY, INC. ("Media Factory"). All facts
7 stated in this declaration are true to my own knowledge and if
8 called as a witness I could testify competently to these facts.

9 2. Media Factory was served on September 28, 2006 with a
10 third party complaint by Defendant Acutrack, Inc. ("Acutrack").

11 3. Acutrack granted Media Factory extensions of the time
12 within which to respond to the third party complaint to allow
13 Media Factory to tender the third party complaint to its insurer
14 and allow Media Factory's insurer to assign counsel to respond to
15 the third party complaint.

16 4. Media Factory's insurer assigned this matter to my law
17 firm and, on November 1, 2006, an answer to Acutrack's third
18 party complaint was filed and served on behalf of Media Factory.

19 5. Upon information and belief, a mediation had been
20 scheduled by Plaintiffs and Acutrack to take place on November
21 20, 2006 and a mediation completion date of December 1, 2006 was
22 ordered by the Court.

23 6. Media Factory needs time to investigate and evaluate
24 the claim by Acutrack and conduct some discovery prior to the
25 mediation and there is not sufficient time to do so before
26 November 20, 2006.

27 7. The Parties have agreed to continue the mediation
28 scheduled for November 20, 2006 to February 20, 2007, in light of

1 the foregoing issues and the upcoming holidays. The Parties
2 further agreed to request this Court to continue the mediation
3 completion date for 90 days.

4 8. Upon information and belief, there have been no
5 previous time modifications in this case by stipulation or court
6 order.

7 I declare under penalty of perjury under the laws of the
8 State of California that the foregoing is true and correct.

9 Executed this 17th day of November, 2006 at San Diego,
10 California.

11 
Jill S. Dickerson, Esq.


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15 **[PROPOSED] ORDER**

16 For good cause shown, the stipulated request of the Parties
17 for an order changing time to continue the mediation for 90 days
18 is hereby granted. New dates are as follows:

19 Mediation shall be completed by March 1, 2007.
20

21 IT IS SO ORDERED.

22 DATED: 11/28, 2006

23 
24 HONORABLE CLAUDIA WILKEN
25 Judge of the U.S. District Court
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